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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,925	07/28/2003	Lee M. Nicholson	YOR920030173US1	7501
7590 09/17/2004			EXAMINER	
Paul D. Greeley, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. 10th Floor One Landmark Square Stamford, CT 06901-2682			PAREKH, NITIN	
			ART UNIT	PAPER NUMBER
			2811	
			DATE MAILED: 09/17/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    10/628,925		Application No.	Applicant(s)			
Nitin Parekh 2011  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edenations of time may be waitable under the procisions of 3 (76F 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTH'S from the mailing date of this communication.  If the period for reply specified above, the maximum statistory period vitil apply and will expire SIX (6) MONTH'S from the mailing date of this communication.  If the period for reply specified above, the maximum statistory period vitil apply and will expire SIX (6) MONTH'S from the mailing date of this communication.  If the period for reply specified above, the maximum statistory period vitil apply and will expire SIX (6) MONTH'S from the mailing date of this communication, even if timely filled, may reduce any same patient term adjustment. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filled on 28 July 2004.  2a) □ This action is FINAL.  2b) ☑ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-50 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  7) □ Claim(s) is/are allowed.  8) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1.□ Certif		10/628,925	NICHOLSON ET AL.			
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Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  S. Patent and Trademark Office	Paper No(s)/Mail Da 5)  Notice of Informal Pa	te			

Art Unit: 2811

## **DETAILED ACTION**

## Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-31, drawn to a semiconductor device/system, classified in class 257, subclass 760.
  - II. Claims 32-50, drawn to a method of making a semiconductor device, classified in class 438, subclass 624.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of Group I invention would not necessarily imply unpatentability of the process of the group II invention, since the device of group I invention could be made by the processes different from those of group II invention. For example, forming the first low-k dielectric layer using CVD or PECVD process instead spin-on process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Parekh whose telephone number is 571-272-1663. The examiner can normally be reached on 09:00AM-05:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on 571-272-1732. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

NP

09-16-04

NITIN PAREKH

PATENT EXAMINER

**TECHNOLOGY CENTER 2800**